

1 J. JORGE DENEVE (S.B. #198855)
jdeneve@omm.com
2 O'MELVENY & MYERS LLP
400 South Hope Street 18th Floor
3 Los Angeles, California 90071-2899
Telephone: (213) 430-6000
4 Facsimile: (213) 430-6407

5 RAMON RAMIREZ (S.B. #280772)
rramirez@omm.com
6 ENOCH O. AJAYI (S.B. #337392)
ejayi@omm.com
7 O'MELVENY & MYERS LLP
2765 Sand Hill Road
8 Menlo Park, California 94025-7019
Telephone: +1 650 473 2600
9 Facsimile: +1 650 473 2601

10 Attorneys for Plaintiff
Kathryn Wade
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12 *(Additional Counsel Listed on the*
13 *Following Page)*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 KATHRYN WADE,

18 Plaintiff,

19 v.

20 CITY OF ANTIOCH, OFFICER M.
21 MELLONE, OFFICER J. EWART, DOE
22 OFFICERS 1-10, inclusive,

23 Defendants.

Case No. 4:23-CV-01130-DMR

**JOINT STIPULATION AND
ORDER TO EXTEND DEADLINE
FOR PLAINTIFF TO FILE
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Judge: Hon. Donna M. Ryu
Hearing Date: August 22, 2024
Time: 1:00 p.m.

Trial: None Set

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JOINT STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
- 1 - PLAINTIFF TO FILE OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
CASE NO. 4:23-CV-01130-DMR

1 PATRICK D. MORIARTY, State Bar No. 213185
2 pmoriarty@cmtrlaw.com
3 JOHN B. ROBINSON, State Bar No. 297065
4 jrobinson@cmtrlaw.com
5 EDWARD VIERA-DUCEY, State Bar. No. 251405
6 Evieira-ducey@cmtrlaw.com
7 CASTILLO, MORIARTY, TRAN & ROBINSON
8 75 Southgate Avenue Daly City, CA 94015
9 Telephone: (415) 213-4098

10 Attorneys for Defendants
11 CITY OF ANTIOCH and OFFICER MICHAEL
12 MELLONE

13 CHESTER E. WALLS, State Bar No. 286398
14 cew@litg-engr.com
15 LITIGATION ENGINEERED
16 1300 E. Shaw Avenue, Suite 125
17 Fresno, CA 93710-7903
18 Telephone: (559) 221-2771
19 Facsimile: (559) 221-2775

20 Attorney for OFFICER JACOB EWART
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1 Plaintiff Kathryn Wade (“Plaintiff”) and Defendants City of Antioch, Officer Michael
 2 Mellone, and Officer J. Ewart (collectively, “Defendants”), by and through their respective
 3 counsel, hereby stipulate, pursuant to Federal Rule of Civil Procedure 15(a)(2) and Civil Local
 4 Rule 7-12, as follows:

5 **RECITALS**

6 **WHEREAS**, Plaintiff filed her Second Amended Complaint in the above-captioned
 7 action on May 13, 2024;

8 **WHEREAS**, Defendants filed their Motion to Dismiss portions of Plaintiff’s Second
 9 Amended Complaint on June 17, 2024; and

10 **WHEREAS**, the deadline by which Plaintiff must answer or otherwise respond to the
 11 Motion to Dismiss is currently July 1, 2014;

12 **WHEREAS**, Plaintiff requested an extension to July 22, 2024 to file her opposition to the
 13 Motion to Dismiss because of her counsel’s conflicting professional obligations, and Defendants
 14 agreed to the extension;

15 **WHEREAS**, if Plaintiff is allowed to file her opposition on July 22, 2024, the parties
 16 agree that Defendants will file a reply no later than August 5, 2024; and

17 **WHEREAS**, such an extension would not affect the hearing date, which is set for August
 18 22, 2024, for the Motion to Dismiss;

19 **STIPULATION**

20 **NOW, THEREFORE**, it is hereby agreed to and stipulated by Plaintiff and Defendants,
 21 through their respective counsel of record and subject to Court approval, as follows:

22 1. Plaintiff shall file any opposition to Defendants’ Motion to Dismiss portions of
 23 Plaintiff’s Second Amended Complaint on or before July 22, 2024.

24 2. Defendants shall file any reply to Plaintiff’s Opposition to the Motion to Dismiss
 25 portions of Plaintiff’s Second Amended Complaint on or before August 5, 2024.
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 28 JOINT STIPULATION AND ORDER
 TO EXTEND DEADLINE FOR
 PLAINTIFF TO FILE OPPOSITION TO
 DEFENDANTS’ MOTION TO DISMISS
 CASE NO. 4:23-CV-01130-DMR

3. The hearing date for Defendants' Motion to Dismiss shall remain August 22, 2024.

IT IS SO STIPULATED, through Counsel of Record.

Dated: June 21, 2024

O'MELVENY & MYERS LLP
JORGE DENEVE
RAMON RAMIREZ
ENOCH O. AJAYI

By: /s/ Jorge deNeve
J. Jorge deNeve
Attorneys for Plaintiff Kathryn Wade

Dated: June 21, 2024

CASTILLO, MORIARTY, TRAN &
ROBINSON
PATRICK D. MORIARTY
JOHN B. ROBINSON

By: /s/ John B. Robinson
John B. Robinson
*Attorneys for Defendants City of Antioch and
Officer M. Mellone*

Dated: June 21, 2024

LITIGATION ENGINEERED
CHESTER E. WALLS

By: /s/ Chester E. Walls
Chester E. Walls
Attorneys for Defendant Officer J. Ewart

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that the other signatories hereto, on whose behalf this filing is submitted, concur in the filing of this document.

Dated: June 21, 2024

/s/ Jorge deNeve
J. Jorge deNeve

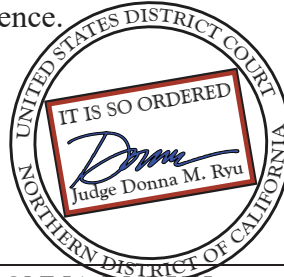
JOINT STIPULATION AND ORDER
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ORDER (AS MODIFIED)

Pursuant to stipulation, the Court ORDERS:

1. Plaintiff shall file any opposition to Defendants' Motion to Dismiss on or before July 22, 2024.
2. Defendants shall file any reply to Plaintiff's Opposition to the Motion to Dismiss on or before August 5, 2024.
3. The hearing date for Defendants' Motion to Dismiss shall remain in August 22, 2024 at 1:00 p.m. in Oakland, by Videoconference.

IT IS SO ORDERED.



Dated: June 25, 2024

DONNA M. RYU
CHIEF MAGISTRATE JUDGE

JOINT STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
PLAINTIFF TO FILE OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
CASE NO. 4:23-CV-01130-DMR